

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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IN RE: BAIR HUGGER FORCED AIR      MDL No.: 15-md-02666 (JNE/FLN)  
WARMING PRODUCT LIABILITY  
LITIGATION

This Document Relates To:

MICHAEL MOORE,

Civil Action No.: 17-CV-02901-JNE-DTS

Plaintiff,

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**DECLARATION OF SAMANTHA RODRIGUEZ IN SUPPORT OF  
PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO DISMISS**

I, Samantha Rodriguez, declare as follows:

1. I am an attorney at Kennedy Hodges, LLP and Counsel for Plaintiff Michael Moore in the above-captioned matter.
2. I submit this declaration in opposition to Defendants' Motion to Dismiss for Failure to Comply with Pretrial Order No. 14 [Dkt. 1538] filed on October 4, 2018.
3. Mr. Moore contacted Kennedy Hodges, LLP in July of 2015 regarding injuries that were allegedly caused by the Bair Hugger patient warming device.
4. Medical records and billing records pertaining to Mr. Moore's treatment were obtained by Kennedy Hodges through its third-party medical records retrieval company. Those records indicated that a Bair Hugger device was used during her initial orthopedic surgery.

5. This case was filed on July 14, 2017 to comply with the statute of limitations deadline.
6. Phone calls were placed and letters were sent to Mr. Moore by staff at Kennedy Hodges in an attempt to reach him and obtain information to complete the Plaintiff Fact Sheet.
7. In June 2018, Counsel learned Plaintiff passed away.
8. Plaintiff's daughter Michelle Moore informed Counsel she does not want to pursue Plaintiff's claim.
9. To date, Kennedy Hodges has not located another heir in order to provide the information necessary to complete the Plaintiff Fact Sheet.
10. As we have been unable to obtain the additional information necessary to complete the Plaintiff Fact Sheet for this claim, we have not been able to cure the alleged deficiencies pertaining to the Plaintiff Fact Sheet that has been submitted for this case.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

October 11, 2018

/s/Samantha Rodriguez  
Samantha Rodriguez